

Hon. David G. Estudillo

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON AT TACOMA

JULIE BALLOU,

Plaintiff,

vs.

JAMES McELVAIN, P.H.D., in his
individual and representative capacity; and
CITY OF VANCOUVER, a municipal
corporation,

Defendants.

No. 3:19-cv-05002-DGE

DEFENDANT CITY OF
VANCOUVER'S MOTION FOR LEAVE
TO DEPOSIT FUNDS INTO COURT
REGISTRY

NOTE ON MOTION CALENDAR:
August 7, 2024

Without oral argument

Defendant City of Vancouver moves this Court for an order under Federal Rule of Civil Procedure 67 granting leave to deposit into the Court's registry the sum of \$630,016.10, the amount ordered by the Court to be paid as costs and attorneys' fees owing to Plaintiff. (*See* Dkts. 225, 238.) No other amounts are outstanding. (*See* Dkt. 236.)

This protocol halts the accrual of any post-judgment interest. *Shaver Transp. Co. v. Chamberlain*, 399 F.2d 893, 895 (9th Cir. 1968) (noting party's right to "pa[y] the amount of judgment into the court pursuant to Rule 67" and do so "in order to halt running of interest"); *see also Kotsopoulos v. Asturia Shipping Co., S. A.*, 467 F.2d 91, 94 (2d Cir. 1972) (noting ability to "by leave of Court, pay the money into the registry of the Court and stop the running of interest") (citing *Shaver*, 399 F.2d at 895); *Putz v. Golden*, No. C10-0741JLR, 2012 U.S. Dist. LEXIS 154240, at *14 (W.D. Wash. Oct. 26, 2012) (citing *Kostopoulos* and granting request to deposit

1 funds into court registry to halt accrual of postjudgment interest). The Ninth Circuit has noted
 2 that “liability for interest would ... cease[]” when a party deposits the amount of a judgment with
 3 the Court’s permission. *Bank of China v. Wells Fargo Bank & Union Tr. Co.*, 209 F.2d 467, 473
 4 (9th Cir. 1953), *cited and followed in Putz*, 2012 U.S. Dist. LEXIS 154240, at *13-14.
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6 Defendant City of Vancouver seeks the same leave as was granted to the Defendants in
 7 *Putz*. The Court should grant this motion. FRCP 67(a). A proposed order is submitted herewith.

8 DATED on July 17, 2024.

9 CITY ATTORNEY’S OFFICE
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16 *I certify that this memorandum contains 267*
 17 *words, in compliance with the Local Civil*
 18 *Rules.*